

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

OWNER: Yvonne Bui
3520 S 198th Street
Seatac, WA 98188

CONTACT: Rich Hudson
R&D Enterprises
21936 234th Ave SE
Maple Valley, WA 98038

Lakeside Fairwood Short Plat
LUA-09-079, ECF, SHPL-H

LOCATION: 18621 116th Ave SE

SUMMARY OF REQUEST: Hearing Examiner Short Plat approval for the subdivision of a 1.34 acre parcel into 8 lots for the eventual development of detached single family residences with a tract for stormwater detention.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on September 1, 2009.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the September 8, 2009 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, September 8, 2009, at 8:59 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

| | |
|--|---|
| <u>Exhibit No. 1:</u> Yellow file containing the original application, reports, staff comments, proof of posting, proof of publication and other documentation pertinent to this request. | <u>Exhibit No. 2:</u> Vicinity Map |
| <u>Exhibit No. 3:</u> Preliminary Short Plat Plan | <u>Exhibit No. 4:</u> Preliminary Landscape Plan |

| | |
|---|---|
| <u>Exhibit No. 5:</u> Generalized Utilities/Road/Drainage Plan | <u>Exhibit No. 6:</u> Grading Plan & Tree Retention Plan |
| <u>Exhibit No. 7:</u> Wetland Map | <u>Exhibit No. 8:</u> Zoning Map |
| <u>Exhibit No. 9:</u> ERC Determination | <u>Exhibit No. 10:</u> ERC Advisory Notes |
| <u>Exhibit No. 11:</u> Critical Areas Exemption | <u>Exhibit No. 12:</u> Revised plat plan showing Lot 7 reduction and increase to Tract A |

The hearing opened with a presentation of the staff report by Gerald Wasser, Associate Planner, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The site is located in the Benson-Cascade area. The applicant also requested a Critical Areas Exemption for a small wetland located in the northwest corner of the site. A street modification for a right-of-way that is less than 50-feet was also requested.

The site slopes downward toward the center with a six-foot landscape berm in eastern portion of the site and a man-made slope greater than 15% in the northwest corner of the site in the vicinity of the small wetland. The proposed project is within the Residential-8 Dwelling Unit per Acre Zone with a proposed density of 8.0 du/ac.

The site would be accessed from 116th Ave SE via a new road, SE 186th Place.

The wetland site has been severely disturbed by evidence of the blackberries growing on site; the hydrologic functions of that wetland were disturbed. It does meet the criteria of a critical areas exemption. There are 40 existing trees on site, 25 trees are proposed to be removed to facilitate construction, driveways and road improvements. Fifteen trees would be retained. The applicant would comply with City of Renton landscaping standards for the final short plat by providing a six foot landscape strip along the street frontage and two trees in the front yard of each lot.

Proposed SE186th Place would have 26 feet of paving width with parking on one side, a six foot landscape strip on both sides and a 5 foot sidewalk on both sides for a total right-of-way width of 48 feet. There were some changes to the lot sizes due to the applicant being held to the 2005 King County Stormwater Design Manual. The new lot sizes would range from 4,503 square feet to 4,769 square feet. The applicant would be dedicating an additional 5-foot of right-of-way along 116th Ave SE and providing a six-foot landscape strip as well as a 5-foot sidewalk along 116th Ave SE. Lots 6, 7 and Tract A would change in side in order to comply with the 2005 King County Stormwater Design Manual.

The Environmental Review Committee issued a Determination of Non-Significance, no appeals were filed.

The Comprehensive Plan Designation is Residential Single-Family all policies for this site do comply with this designation. The required density ranges from 4.0 to 8.0 and this project does meet those requirements. All lots comply with minimum size, depth and width. There is an existing house and garage on the property, which will be removed.

Transportation, Fire and Park mitigation fees have been imposed.

The drainage tract, Tract A, would be landscaped. A sign would be posted at the west end of SE 186th Place stating that the street would eventually become a through street. All subdivision regulations have been met by this proposal. All lot fronts would be oriented toward the proposed new road.

A Geotechnical Engineering Study was prepared by Geotech Consultants, Inc. on June 19, 2009. Imported granular fill may be needed wherever it is not possible to dry the onsite soils sufficiently.

A Wetland Determination was prepared by JS Jones and Associates on March 12, 2008. A supplemental letter was prepared on May 8, 2009, which indicated that the small Category 3 wetland has a low hydrologic function.

The properties surrounding the subject site are single-family and are zoned R-4 and R-8. Police and Fire have indicated that there are sufficient resources to furnish services to the proposed development. The Renton School District has stated that they have adequate room for the additional students generated from this project. This project would be served by a public water and sewer system provided by the Soos Creek Water and Sewer District. Certificates of availability have been provided.

James Jaeger, Jaeger Engineering, 9419 S 204th Place, Kent 98031 stated that he is the engineer for the applicant. He continued explaining the changes in the short plat plan. He stated that they preferred to have the internal street straightened out rather than the curve, also that the street section should include 26-feet of pavement with the 6-foot landscape strips with 5-feet of sidewalk on each side. That increased the right-of-way requirement from 42-feet to 48-feet and so the plan had to be re-designed. The last changes came about when they were told they would have to comply with the 2005 drainage manual. Tract A had been designed under the 1990 manual, the ponds are generally smaller than under the 2005 manual.

Rich Hudson, R&D Enterprises, 21936 234th Ave SE, Maple Valley 98038 stated that he represents the applicant. Regarding the grading in the northwest corner, the Geotech report does state that that was created by grading and that there are no signs of recent instability. A daylight basement house with a 10-foot slope would be able to modify that without having to setback from the top of the slope.

The applicant is somewhat frustrated due to the fact that they went through a pre-application meeting, which is not binding, but it does give indications of what would be anticipated with the short plat. They would like to know the authority that requires the 2005 manual to be used rather than the originally stated 1990 manual. The SEPA mitigation was a DN-S there was no mitigation to apply the 2005 standards. A considerable effort was made to get the application in, they understood that the City was in the process of adopting the 2005 standard and perhaps even a 2009 manual. They are a vested application, they received a letter stating that the application process was complete in July. The SEPA mitigation took place August 17, there was a note identified in the SEPA mitigation that called out the 2005 manual and that it may be required on the conditions of the short plat. They would like to know the authority that requires them to apply the 2005 manual.

It most severely impacts Lot 6, which is a corner lot that is adjacent to an arterial. In most design elements a corner lot generally has significantly more area to offset impacts from noise and traffic due to a corner lot. The plat to the north has a corner lot that is larger than the rest. By taking 25-feet off of Lot 6, that is 2,000 square feet less and it is a significant change to the lot, it does not give much flexibility to the builder for that specific lot.

The Examiner noted that Lot 1 was also a corner lot and is smaller to accommodate five lots on the south side of the road. Lot 6 would become comparable to Lot 1.

Kayren Kittrick, Development Engineering Supervisor stated regarding the dedication of 116th Ave SE, King County standards for road widths are much larger than the City of Renton, also by City of Renton code only half is asked for of what would be required otherwise.

When the City of Renton took in the annexation area, part of the agreement included the fact that anything that was mapped for the 2005 Manual would be subject to the 2005 King County Surface Water Design Manual. This entire area was mapped for the 2005 Manual, the entire annexation area will be held to the 2005 Manual. Tract A could be reduced in size.

The turnaround tract overrides Lot 7, it would be temporary easement until the road is punched through and further is necessary for fire safety. She will check with the Fire Department to see if they are okay with moving the turnaround entirely onto Tract A, but the final decision would be that of the Fire Department.

The stub at the west end of 186th would have a Type 3 barricade with a sign stating that the road may one day become a through street.

Gerry Wasser asked that the hearing be kept open while he reviewed some wording for the additional conditions. Also, regarding the slope in the northwest corner of the site, they would work with the applicant, a letter from the geotechnical engineer be submitted that would revise his comments on that slope.

The Examiner stated that he would keep the record open for one week from today.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:10 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Yvonne Bui, filed a request for a Short Plat.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance (DNS).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 18621 -116th Avenue SE. The subject site is located on the west side of 116th one parcel removed from SE 186th Street.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of single family dwellings, but does not mandate such development without consideration of other policies of the Plan.
7. The subject site is currently zoned R-8 (Single Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 5327 enacted in March 2008.
9. The subject site is approximately 1.34 acres or 58,520 square feet. The subject site is approximately 193 feet wide (frontage) by 301 feet deep (east to west). An existing home and garage would be

removed to allow this subdivision.

10. The subject site generally slopes downward toward the center but the terrain on the subject site has been altered. There is a landscaped berm in the eastern portion of the subject site and a man-made slope in the northwest corner of the site with a slope of greater than fifteen percent (15%). A geotechnical report was submitted and initially it appeared that the recommendation was to protect the steeper slope. Additional data was presented while the hearing was kept open suggesting that the slope could be regraded and development permitted. The Geotechnical Report made recommendations based on the water content of the soils, the slopes and the bearing needs of the subject site. Staff recommended that those recommendations be followed.
11. The subject site contains a Category 3 wetland. Approximately 610 square feet is located on the subject site while approximately 218 square feet is located on adjacent property to the west. The wetland is severely degraded as a result of past grading and invasion of blackberry shrubs. The applicant has requested a Critical Areas Exemption to disturb this portion of the site. A Wetland Assessment demonstrated that the wetland meets the criteria for an exemption from the Critical Areas Ordinance.
12. There are 40 trees on the subject site. The applicant proposes to retain 15 of those trees.
13. Testimony at the hearing disclosed that the proposed layout would need to be altered to accommodate a larger stormwater drainage tract. The hearing was held open to allow the submission of the new plat design as well as other information. The new plat was submitted as well as additional analysis. As noted above, the geotechnical information was also updated indicating that development could occur in the northwest corner of the subject site. The applicant will have to regrade that portion of the subject site to create a stable platform for a future home.
14. The applicant proposes dividing the subject site into 8 lots. Proposed Lots 1 to 5 would be located on the south side of a new roadway, SE 186th Place. Proposed Lot 6, Tract A and Proposed Lots 7 and 8 would be located on the north side of the roadway. Proposed Lots 1 and 6 would be corner lots located along both 116th and 186th Place. The proposed lots range in size from 4,503 square feet to 4,766 square feet.
15. The applicant has requested a modification to allow the new east-west access roadway to be 48 feet, less than the standard 50 foot width. Staff has supported this modification. The road will end at the western end of the subject site but is anticipated to be extended to serve properties west of the subject site. Staff has recommended a sign be installed that informs potential residents that the road is intended to be a through-road and that additional traffic can be anticipated. A temporary fire-turnaround would be provided on Tract A and Proposed Lot 7. It would be removed if the roadway extends to another open cross-street. Staff recommended that the temporary turnaround be paved with pervious pavers or similar materials. In addition, the applicant will be dedicating five feet of property to accommodate the widening of 116th Street. Staff also recommended that all homes take access from 186th Place and no access be permitted from 116th Street.
16. The applicant proposes a 6-foot landscaping strip along 116th whereas only five feet is required. Two street trees are required in the front yard of each lot.
17. The density for the plat would be 8.0 dwelling units per acre after subtracting sensitive areas and/or roadways.
18. The subject site is located within the Renton School District. The project is expected to generate

approximately 3 or 4 school age children. These students would be spread across the grades and would be assigned on a space available basis.

19. The development will generate approximately 10 traffic trips per unit or approximately 80 trips for the 8 single family homes. Approximately ten percent of the trips, or approximately 8 additional peak hour trips will be generated in the morning and evening. The City has adopted a Traffic Mitigation Fee for new construction. That fee will offset impacts of the new development.
20. As indicated above, stormwater detention altered the proposed lot size and arrangement in order to accommodate flows based on the 2005 King County Stormwater Manual. While there had been discussions at a Preapplication Meeting about using a different manual, staff determined that the 2005 Manual was applicable to this site based on King County standards. The pond would retain water and release it to a channel and then release it to the northwest corner of the site, its natural discharge point, through a quarry spill discharge pad to dissipate energy and recharge the remaining wetland area.
21. Sewer and water will be provided by the Soos Creek Water and Sewer District.

CONCLUSIONS:

1. The proposed plat appears to serve the public use and interest. The critical issues for this plat were appropriate stormwater containment, roadway capacity, site stability and fire department turnaround area. Those issues appear to be properly addressed in the redesigned plat. The stormwater tract is of sufficient size to control stormwater and its release off site. The temporary turnaround appears to be appropriately designed and located to allow emergency access to and from the subject site. The updated geotechnical information appears to allow development in the northwest corner of the plat. The applicant will be dedicating both the new internal roadway and additional frontage for access and circulation in and around the new plat.
2. The lots are all rectangular and provide sufficient area to allow homes, garages and driveways. The applicant will be providing the required landscaping along the respective streets and in the front yards of the homes.
3. The new plat will increase the demand for services including recreational services, emergency services and transportation. The applicant should offset those specific impacts by paying fees that the City has established to mitigate impacts to parks, the fire department and roadways.
4. The new plat will provide additional housing choices and opportunities for single family detached living. The new homes will increase the comings and goings in the neighborhood but those impacts were anticipated when the Zoning and Comprehensive Plan were developed for this area. The new development will increase the tax base of the City and help offset some of the general impacts of this new development. As noted, specific fees will help offset the impacts on parks, fire and roadways.
5. While there is a wetland on the subject site it is severely degraded and the applicant has shown an exemption from the Critical Areas regulations may be granted. It appears that the stormwater will be channeled to this area and then to the wetland's offsite component. Similarly, the steep slope may be altered according to the technical information submitted for the plat.
6. In conclusion, the proposed plat appears to be a reasonable method of subdividing the subject site and providing additional housing in the City of Renton.

DECISION:

The Short Plat, Roadway Modification and Critical Areas Exemption are approved subject to the following conditions:

1. The applicant shall obtain demolition permits and have final inspection conducted for the existing house and garage prior to recording the short plat.
2. That a detailed landscape plan showing landscaping along 116th Avenue SE and SE 186th Place, in Tract A and for the front yards of the lots shall be submitted to the Planning Division project manager for review and approval as part of the final short plat. Landscaping along 116th Avenue SE, SE 186th Place and for Tract A shall be installed prior to recording the short plat. Landscaping for the front yards of lots shall be installed prior to final building inspection.
3. The drainage pond in Tract A shall be fenced with 6-foot high, vinyl coated, green chain link fencing which shall be installed prior to recording the short plat; the pond and landscaping in Tract A shall be maintained by a Homeowners Association or via a maintenance agreement.
4. That prior to recording of the short plat the applicant shall pay a Transportation Mitigation Fee based on \$75.00 per each new average daily vehicle trip which is estimated to be \$5,024.25 (7 new lots X 9.57 average daily trips X \$75.00 = \$5,024.25).
5. The Fire Department turnaround shall be paved with pervious pavers (e.g. grasscrete) or other approved alternative prior to recording the short plat.
6. The front yards of lots 1 and 6 shall be oriented toward proposed SE 186th Place and no direct access shall be allowed to these lots from 116th Avenue SE. A note to that effect shall be placed on the face of the short plat.
7. The stability of the slope in the northwest corner of the site shall be increased by grading it back to an inclination of 2.5:1 (Horizontal:Vertical) and installing large rock at the toe of the slope for scour resistance.
8. The applicant is required to comply with the recommendations of the Geotechnical Engineering Study prepared by Geotech Consultants, Inc., dated June 19, 2009.
9. That prior to recording of the short plat the applicant shall pay a Fire Mitigation Fee of \$488.00 for each new single family lot which is estimated at \$3,416.00 (7 new lots X \$488.00 = \$3,416.00).
10. That prior to recording the short plat the applicant shall pay a Parks Mitigation Fee of \$530.76 for each new single family lot which is estimated to be \$3,715.32 (7 new lots X \$530.76 = \$3,715.32).
11. The project shall comply with the 2005 King County Surface Water Design Manual; a revised drainage report and drainage plans shall be submitted for review at the time of utility construction permit application.
12. That prior to recording the short plat the applicant shall install a sign at the westerly end of SE 186th Place providing notice to the residents of the Lakeside Fairwood Short Plat that the street may be extended as development occurs to the west.

ORDERED THIS 5th day of October 2009

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 5th day of October 2009 to the following:

| | |
|---|-------------------------------------|
| Mayor Denis Law | Dave Pargas, Fire |
| Jay Covington, Chief Administrative Officer | Larry Meckling, Building Official |
| Julia Medzegian, Council Liaison | Planning Commission |
| Gregg Zimmerman, PBPW Administrator | Transportation Division |
| Alex Pietsch, Economic Development | Utilities Division |
| Jennifer Henning, Development Services | Neil Watts, Development Services |
| Stacy Tucker, Development Services | Janet Conklin, Development Services |
| Marty Wine, Assistant CAO | Renton Reporter |

Pursuant to Title IV, Chapter 8, Section 100 of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., October 19, 2009.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., October 19, 2009.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.